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3/28/97
PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants: M.B. Hollander & W.E. McKinley

Application No.: 08/617,265

Filed: March 18, 1996

For: METHOD AND APPARATUS FOR MEASURING
TEMPERATURE USING INFRARED TECHNIQUES

Examiner: D. Gutierrez

Docket No.: 3108

Grimes & Battersby
P.O. Box 1311
3 Landmark Square
Stamford, CT 06904-1311
March 10, 1997

RESPONSE AFTER FINAL REJECTION

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Dear Sir:

Responsive to the Office Action mailed February 18, 1997, (Paper No. 3), please consider the following Remarks.

REMARKS

The Office Action mailed February 18, 1997 has been carefully considered.

Applicants note that claims 1-7 and 9-15 were rejected under the judicially created doctrine of non-statutory double patenting and would be allowable upon the filing of a proper terminal disclaimer. Claim 8 (which depends from claim 1) was objected to and claims 16-24 were allowed over the prior art of record.

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On February 21, 1997, applicants submitted a terminal disclaimer along with the PTO filing fee of \$55.00. A copy of this terminal disclaimer is enclosed herewith.

In view of the submission and entry of such terminal disclaimer, applicants submit that all claims are now in condition for immediate allowance. Reconsideration and an early Notice of Allowance are therefore requested.

Respectfully submitted,

Gregory J. Battersby
Reg. No. 26,703
Attorney for Applicants
(203) 324-2828



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRANSMITTAL FORM**

Applicants:

**M.B. Hollander and
W. E. McKinley**

Docket No.: **OE003USQ1**

Serial No.:

08/617,265

Filed: **March 18, 1996**

For:

**METHOD AND APPARATUS FOR MEASURING TEMPERATURE USING
INFRARED TECHNIQUES**

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is:

- 1. Utility Patent Application
- 2. Informal Drawings
- 3. Formal Drawings
- 4. Declaration and Power of Attorney
- 5. Small Entity Statement
- 6. Assignment
- 7. Our firm's check no. _____ in the amount of \$ _____
- 8. Please charge the amount of \$ _____ to Deposit Account No. 07-2162 in the name of Grimes & Battersby. A duplicate Copy of this sheet is attached.
- 9. Postcard
- 10. Duplicate copy of this letter
- 11. New Application Transmittal
- 12. Verified statement claiming _____
- 13. Please charge any additional fees or credit any such fees, if necessary to Deposit Account No. 07-2162 in the name of Grimes & Battersby. A duplicate copy of this sheet is attached.
- 14. **RESPONSE AFTER FINAL REJECTION**

Respectfully submitted,



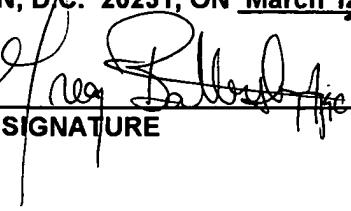
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Date: March 12, 1997

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231, ON March 12, 1997.

GREGORY J. BATTERSBY
NAME OF REGISTERED
REPRESENTATIVE


SIGNATURE

3/12/97
DATE